



California State Board of Education Policy

POLICY #
01-01

WAIVER GUIDELINES

Carl D. Perkins Vocational and Applied Technology Education Act of 1998: Consortium Requirement for Minimum Allocation

DATE
February 2001

REFERENCES

U.S. Code, Section 2351(d)(1), or [P.L. 105-332 Section 131(d)(1)] Federal Carl D. Perkins Act; and
U.S. Code, Section 2351(d)(2), or [P.L. 105-332 Section 131(d)(2)] Federal Carl D. Perkins Act.

HISTORICAL NOTES

None.

U.S. Code, Section 2351(d)(1) and (2) or [P.L. 105-332 Section 131(d)(1) and (2)]

(d) Minimum Allocation

(1) In general

Except as provided in Paragraph (2), a local educational agency shall not receive an allocation under subsection (a) unless the amount allocated to such agency under subsection (a) is greater than \$15,000. A local educational agency may enter into a consortium with other local educational agencies for the purposes of meeting the minimum allocation requirement of this paragraph.

(2) Waiver

The eligible agency shall waive the application of paragraph (1) in any case in which the local educational agency --

(A)(i) is located in a rural, sparsely populated area, or

(ii) is a public charter school operating a secondary vocational and technical educational program; and

(B) demonstrates that the local educational agency is unable to enter into a consortium for purposes of providing activities under this part (20 U.S.C.A. § 2351 et seq.)

Background

Participating local education agencies (LEAs) may enter into a consortium with other agencies for the purposes of meeting the minimum allocation requirement in the above paragraph. However, in some remote or sparsely populated areas of the state, the consortium plan is not possible or reasonable. In these cases, the State Board approves multi-year waivers of the consortium requirement in keeping with (and subject to the conditions set forth in) the evaluation guidelines below.

The California Department of Education (CDE) Waiver Office has processed many waivers in the past, all of which were approved by the State Board of Education. CDE staff ensure that only waiver requests consistent with the evaluation guidelines are placed on the State Board's consent calendar for waivers.

California State Board of Education

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**Evaluation Guidelines**

The LEA is:

- A district or agency in a rural, sparsely populated area (as defined by National Center for Education Statistics (NCES) Locale Code #7 and identified as rural by the CDE Office of Demographics), OR
- A public charter school operating secondary vocational and technical education programs (as evidenced by a State Board of Education issued charter number), AND

The LEA:

- Demonstrates that it is unable to enter into a consortium for purposes of providing activities under this section (as evidenced by its description of unsuccessful efforts to enter into a consortium).

These specific waivers shall be granted for no more than four consecutive years as a district's annual Perkins allocation is expected to be less than the \$15,000 minimum grant amount during each year of the approved waiver. A district's eligibility under the above criteria for the consortium waiver is also expected to remain unchanged for this same time period.

For Information Only

Under SPECIAL RULE, each eligible agency distributing funds under this section shall treat a secondary school funded by the Bureau of Indian Affairs within the State as if such school were a local educational agency within the State for the purpose of receiving a distribution under this section.